IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9951 of 2006

DATED: 20.11.2006

Between:

M/S. Hindustan Lever Limited petitioner

And

Industrial Tribunal-cum-Labour Court,

Anantapur,

Thro, its Presiding Officer & ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 9951 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the docket order dated 10.3.2006 in I.A. No. 446 of 2005 in I.D. No. 118 of 2004 on the file of the Industrial Tribunal cum Labour Court, Anantapur.

The petitioner herein filed I.A. No. 446 of 2005 to frame the following issue as preliminary issue;

> "Whether the petitioner salesman is a workman within the meaning of the Industrial Disputes Act, if so is the dispute not maintainable."

The only contention raised by the learned counsel for the petitioner is that the second respondent workman is a sales representative in the petitioner company and he is not a “workman” as defined under
section 2 (s) of the Industrial Disputes Act and the Labour Court ought to have decided the said aspect as preliminary issue.

This Court while issuing notice to the respondents granted interim stay for a period of four weeks by order dated 24.5.2006. By order dated 18.9.2006, the interim order was extended until further orders.

The second respondent filed a detailed counter affidavit and also a vacate stay petition in WVMP No. 2159 of 2006.

Heard the learned counsel for petitioner and learned counsel for second respondent-workman. Both counsel agreed for disposal of the writ petition at the admission stage.

The Labour Court by the impugned order disposed of the said Interlocutory Application holding that the issue raised by the petitioner shall be framed in the main I.D and permitted both the parties to adduce evidence both oral and documentary on all aspects. The said order of the Labour Court, needs no interference inasmuch as the issue whether the employee concerned falls within the definition of “workman” under section 2 (s) of the I.D.Act, can only be decided on the basis of evidence. The Labour Court has permitted both the parties to adduce evidence on all the aspects including the issue as to whether the employee is a workman as defined under Section 2 (s) of the I.D.Act. The apex Court in **Cooper Engineering Limited v. P.P. Mundhe**, held that no piecemeal adjudication of industrial dispute is permissible. Hence, no interference is called for by this Court.

For the foregoing reasons, the writ petition is dismissed. The petitioner is at liberty to raise the issue as to whether the second respondent falls within the definition of workman under section 2(s) of the Act in the main I.D. No costs.

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N.V.RAMANA,J

DATE: 20.11.2006

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